

Issued May 14, 1912.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1347.

(Given pursuant to section 4 of the Food and Drugs Act.)

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#### MISBRANDING OF PICCADILLY DRY GIN.

On September 13, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 5 cases of Piccadilly Dry Gin found in the possession of Louis Glunz, Chicago, Ill. The product was labeled: (On cases) "Conts 12 Bottles Piccadilly Dry Gin. Sutton Carden & Co. Ltd., Proprietors City of London Distillery London, New York." (On capsule): "Sutton Carden & Co., Ltd., London." (On bottle): "Piccadilly Dry Gin Sutton Carden & Co. Ltd. Finsbury Square, London, New York." (On wrapper with each bottle) "Sutton, Carden's Finest London Gins and Liqueurs. Grand Prix: Brussels Exhibition, 1910. Grand Prix and Gold Medal: Paris Exhibition, 1910. Gold Medal: Naples Exhibition, 1910."

The Bureau of Chemistry of the United States Department of Agriculture reported on said product as follows: "This gin was manufactured in New York at the establishment of Luyties Bros., 204 William Street. An investigation by the New York inspectors shows that this product is not imported, and furthermore shows that Luyties Bros. do not import any gin from London whatsoever. Luyties Bros. operate a still of a capacity of about 100 gallons daily. At the time of the inspection of the place of Luyties Bros., it was represented by the manager to the inspectors that the New York firm held a contract from Sutton, Carden & Co. (Ltd.), of London, which permitted the preparation of this product in a manner similar to the way in which it is produced in London, and the marketing of it in the United States exclusively by Luyties Bros. under the label quoted

above. The whole label, especially when the capsule is taken into consideration on which no reference whatever is made to New York, and the wrapper referring exclusively to London gins, is false and misleading in that it creates the impression that the product is of foreign origin. The libel alleged that the product, after transportation from the State of New York into the State of Illinois, remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in the libel as follows: "in that each of the said cases containing the bottles aforesaid, filled with the article of food aforesaid, composing the shipment aforesaid, bears a label in words and figures as follows, to wit, "Conts (same being an abbreviation for the word 'contents') 12 bottles Piccadilly Dry Gin Sutton Carden & Co. Ltd. proprietors City of London distillery London, New York," and each of the said bottles filled with the article of food aforesaid composing the shipment aforesaid bears the label in words and figures as follows, to wit, "Sutton Carden & Co. Ltd. London, Piccadilly Dry Gin, Sutton Carden & Co. Ltd., Finsbury Square, London, New York," which said statement upon the labels attached to each of the cases composing the shipment aforesaid, and which said statement contained in the labels attached to each of the bottles contained in the said cases composing the shipment aforesaid, are false and misleading in this, that the labels purport to state that the article of food contained in the bottles composing the shipment aforesaid was a foreign product manufactured in the city of London in England, in the Kingdom of Great Britain, whereas in truth and in fact the article of food contained in the bottles aforesaid and packed in the cases aforesaid was not manufactured in the city of London in England, in the Kingdom of Great Britain, but was manufactured in the city of New York in the State of New York.

On November 20, 1911, the case coming on for hearing and Sutton, Carden & Co. (Ltd.) having appeared as claimant of the product and filed answer to the libel, admitting all the allegations thereof, the court entered a decree finding the product misbranded as alleged in the libel, condemning and forfeiting the same to the United States, and ordering it to be sold by the marshal, but with a proviso that it might be delivered to the claimant, Sutton, Carden & Co. (Ltd.), upon the payment by said company of all costs and the execution of a sufficient bond in the sum of \$200, conditioned that the product should not be sold or in any manner disposed of contrary to law.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 27, 1912.*